APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,545	07/22/2003	Kenichi Ishii	8032-1029	4870

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YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

EXAMINER
LAM, DUNG LE

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/623,545	ISHII, KENICHI
Office Action Summary	Examiner	Art Unit	
	Dung Lam	2617	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _101-114_ is/are pending in the application.

　　4a) Of the above claim(s) _1-99_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _101-114_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☒ All　b)☐ Some * c)☐ None of:

　　　1.☒ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/8/07 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims **100-114** are rejected under 35 U.S.C. 103(a) as being unpatentable over **3GPP171** (3GPP TS123.171 Functional Stage 2 description of Location services in UMTS, version 3.8.0) in view of **Nowak** (US Pub. No.6968195).

2.   Regarding claim **100**, **3GPP171** teaches a location system for locating a target mobile terminal, comprising: a client terminal (LCS client, section 5.5.1) for transmitting a location request specifying the target mobile terminal and location information including accuracy (request contains target UE identity and Quality of service information, section 5.5.1 and section 8.7.1.1 item 4, QoS such as

accuracy); and a position system for producing a location of the target mobile terminal; a gateway which transmits the location request to the positioning system and stores previously obtained location information of the target mobile terminal (section 6.3.3), wherein the gateway performs a first privacy check in response to the location request from the client terminal (section 8.7.1.1, item 1), and if the stored location information satisfies the requested accuracy, then performs a second privacy check without transmitting the location request to the positioning system in order to decide whether the gateway can transmit the stored location information to the client terminal (section 8.7.1a; location stored in GMLC for later retrieval section 8.7.3.3 #7-8, **9**, 10). 3GPP further suggests that when there's a location that were previously provided and stored the GMLC, then the location can be reused without having to carry an extra step of acquiring the position from the HLR (section 8.7.1a; location stored in GMLC for later retrieval section 8.7.3.3 #7-8, **9**, 10). However, **3G171** does not teach that the request specifies an allowable age and the step of checking whether if a requested allowable age of location information satisfied the specified condition. In an analogous art, **Nowak** teaches the concept of not only specifying the accuracy as a QoS parameter of a location request but also the allowable age to tailor to the customers' specific needs and budget (C2 L41- C3 L39). Nowak further teaches that if a location that falls within the specified allowable age is available, the network skip the step of searching for a new source performing the location estimation (C3 L40-58, C15 L15-42). Because the more accurate or fresh a location estimation is, the higher the cost. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine **3G171**'s location system with Nowak's specifying a QoS parameter of allowable age to enable the user the flexibility of acquiring the type of location that is tailored to the users' specific needs and affordable budget.

3.   Regarding claim 101, **3G171 and Nowak** teach the location service system of claim 100, wherein said gateway system transmits a notification message to said target mobile terminal (**3G171,** section 7.4, section 8.7.1.1).

4.   Regarding claim 102, **3G171 and Nowak** teach the location service system of claim 101, wherein said gateway network stores a privacy profile of said target mobile terminal, and transmits said notification message to said target mobile terminal if said privacy profile indicates that said notification message is to be sent to said target mobile terminal (**3G171,** section 7.4).

5.   Regarding claim 103, **3G171 and Nowak** teach the location service system of claim 100, wherein said gateway transmits a verification request message to said target mobile terminal and receives a verification report from the target mobile terminal to determine if the verification report allows said stored location information to be forwarded to said client terminal (**3G171,** section 8.7.1.1, items 2-7).

6.   Regarding claim 104, **3G171 and Nowak** teach the location service system of claim 103, wherein said gateway stores a privacy profile of said target mobile terminal, and transmits said verification request message to said target mobile terminal if said privacy profile indicates that said location request is to be verified by said target mobile terminal (**3G171,** section 8.7.1.1, section 8.7.1.2)

7.   Regarding claim 105, **3G171 and Nowak** teach the A location method of a location service system for locating a target mobile terminal, comprising:

        transmitting, at a client terminal, a location request specifying the target mobile terminal, requested accuracy and requested allowable age (request contains target UE identity and Quality of service information, section 5.5.1 and section 8.7.1.1 item 4, QoS such as accuracy);

transmitting, at a gateway which stores previously obtained location information of the target mobile terminal, the location request to a positioning system which produces location information of the target mobile terminal in response to the location request from the gateway (section 6.3.3);

performing, at the gateway, a first privacy check in response to the location request from the client terminal (section 8.7.1.1, item 1); and

performing, at the gateway, a second privacy check in order to decide whether the gateway can transmit the stored location information to the client terminal skipping the step of transmitting the location request to the positioning system if the stored location information satisfies the requested accuracy (section 8.7.1.1, items 2-7). 3GPP further suggests that when there's a location that were previously provided and stored the GMLC, then the location can be reused without having to carry an extra step of acquiring the position from the HLR (section 8.7.1a; location stored in GMLC for later retrieval section 8.7.3.3 #7-8, **9**, 10). However, **3G171** does not teach that the request specifies an allowable age and the step of checking whether if a requested allowable age of location information satisfied the specified condition. In an analogous art, **Nowak** teaches the concept of not only specifying the accuracy as a QoS parameter of a location request but also the allowable age to tailor to the customers' specific needs and budget (C2 L41- C3 L39). Nowak further teaches that if a location that falls within the specified allowable age is available, the network skip the step of searching for a new source performing the location estimation (C3 L40-58, C15 L15-42). Because the more accurate or fresh a location estimation is, the higher the cost. Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine **3G171**'s location system with Nowak's specifying a QoS parameter of allowable age to enable the user the flexibility of acquiring the type of location that is tailored to the users' specific needs and affordable budget.

8.   Regarding claim 106, **3G171 and Nowak** teach the method of claim 105, wherein the performing of the second privacy check comprises the step of transmitting a notification message to said target mobile terminal (**3G171,** section 7.4).

9.   Regarding claim 107, **3G171 and Nowak** teach the method of claim 106, further comprising storing a privacy profile of said target mobile terminal, and wherein the performing of the second privacy check comprises determining if the privacy profile of the target mobile terminal indicates that said notification message is to be sent to said target mobile terminal (section 8.11.1 to 8.11.3).

10.   Regarding claim 108, **3G171 and Nowak** teach the method of claim 105, wherein the performing of the second privacy check comprises:
transmitting a verification request message to said target mobile terminal;
receiving a verification report from the target mobile terminal; and
determining if the verification report allows said last known location information to be forwarded to said client terminal (**3G171,** section 7.4).

11.   Regarding claims 109-110, they disclose the features of the gateway, which correspond to claims 102, 100,101 respectively. Therefore, they are rejected for the same reasons as their corresponding claims.

12.   Regarding claims 111-114, they disclose the features of the gateway, which corresponds to claims 101-104 respectively. Therefore, they are rejected for the same reasons as their corresponding claims.

Response to Arguments

1.   Applicant's arguments with respect to claim 100-114 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Lam whose telephone number is (571) 272-6497. The examiner can normally be reached on M - F 9 - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600